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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CITY OF SANTA CLARA dba SILICON
VALLEY POWER AND NORTHERN
CALIFORNIA POWER AGENCY,

Appellants,

vs.

CALIFORNIA DEPARTMENT OF WATER
RESOURCES,

Appellee.

Case No.: 4:22-cv-02834-HSG

On Appeal from the United States
Bankruptcy Court for the Northern
District of California

Chapter 11 Case No.: 19-30088 (DM)
(Lead Case) (Jointly Administered)

STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING BRIEFING
SCHEDULE

Counsel Continued from Previous Page

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1 City of Santa Clara dba Silicon Valley Power (“SVP”) and Northern California Power
 2 Agency (“NCPA”) (SVP and NCPA collectively “Appellants”), on the one hand, and the California
 3 Department of Water Resources (“Appellee,” and, together with the Appellants, the “Parties,” and
 4 each, a “Party”) on the other hand, hereby stipulate as follows:

5 WHEREAS, pursuant to the Corrected Case Management Scheduling Order (the
 6 “Scheduling Order”), entered on May 16, 2022 [Dkt. No. 3], Appellants’ principal brief is due “no
 7 more than 30 days after docketing of notice that the record has been transmitted or is available
 8 electronically on the District Court’s docket,” and Appellee’s response brief is due 30 days after
 9 Appellant’s principal brief is filed and served;

10 WHEREAS, notice that the record has been transmitted or is available electronically was
 11 filed on June 7, 2022, and entered on the docket of this appellate case on June 8, 2022, and
 12 Appellants’ principal brief is therefore due on July 8, 2022;

13 WHEREAS, a related appeal of the same bankruptcy court orders that are the subject
 14 hereunder is currently pending before this Court as *PG&E Corp, et al. v. California Department of*
 15 *Water Resources* (Case No. 22-cv-02833 (HSG)) (“Case No. 22-cv-02833”).

16 WHEREAS, the Parties, together with the parties in Case No. 22-cv-02833, have met and
 17 conferred regarding a briefing schedule with respect to this appeal and Case No. 22-cv-02833, and,
 18 in light of the intervening summer holiday and schedules of counsel, the Parties have agreed to a
 19 modest modification of the Scheduling Order as set forth herein, and the parties in Case No. 22-cv-
 20 02833 have agreed to an identical modified briefing schedule in Case No. 22-cv-02833 and will be
 21 submitting a similar stipulation and proposed order in that appeal;

22 WHEREAS, this is the first request by any Party to modify the Scheduling Order;

23 WHEREAS, the Parties believe the requested enlargement of time will have a negligible, if
 24 any, impact on the timeframe for the resolution of this appeal because there is no schedule in place
 25 beyond the filing dates for briefing, and no argument date has been set.

26 **IT IS HEREBY STIPULATED:**

- 27 1. The Scheduling Order is modified as stated herein.
- 28 2. Appellants’ principal brief shall be filed and served no later than August 8, 2022.

3. Appellee's response brief shall be filed and served no later than October 14, 2022.

4. Appellants' reply brief shall be filed and served no later than November 14, 2022.

5. Appellants SVP and NCPA shall file one joint principal (opening) brief and one joint reply brief.

6. The Order approving this Stipulation is without prejudice to any Party herein to request further modifications of the Scheduling Order.

Dated: June 20, 2022

BOUTIN JONES INC.

By: /s/ Robert D. Swanson
Robert D. Swanson
Thomas G. Mouzes
Ian K. McGlone

*Attorneys for Appellants City of Santa Clara
dba Silicon Valley Power and Northern
California Power Agency*

Dated: June 21, 2022

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of Water Resources, by and through the State
Water Project*

"Pursuant to Local Rule 5-1(h)(3), I, Robert D. Swanson, attest that concurrence in filing this document has been obtained from the other signatories."

BOUTIN JONES INC.

/s/ Robert D. Swanson
Robert D. Swanson

ORDER

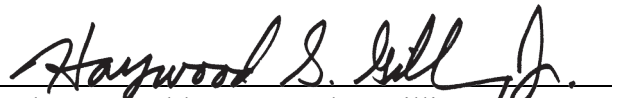
WHEREAS, on June 21, 2022, the Appellants and Appellee filed the *Joint Stipulation and Proposed Order Modifying Briefing Schedule* (the “**Stipulation**”) requesting that the Scheduling Order in this appeal be modified;

For the reasons set forth in the Stipulation, and good cause appearing therefor,

1. The Scheduling Order is modified as stated herein.
2. Appellants’ principal brief shall be filed and served no later than August 8, 2022.
3. Appellee’s response brief shall be filed and served no later than October 14, 2022.
4. Appellants’ reply brief shall be filed and served no later than November 14, 2022.
5. Appellants SVP and NCPA shall file one joint principal (opening) brief and one joint reply brief.
6. This Order is without prejudice to any Party herein to request further modifications of the Scheduling Order.

IT IS SO ORDERED.

Dated: 6/22/2022


The Honorable Haywood S. Gilliam, Jr.
United States District Court Judge